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HUMAN RESOURCES MANAGEMENT: OTHER HUMAN RESOURCES QUESTIONS

Amendments to the Staff Rules

Report of the Secretary-General

1. The Staff Regulations of the United Nations provide in regulation 12.3 that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.

A. 100 Series

2. Staff rules 100.1 to 112.8, which are applicable to all staff except technical cooperation project personnel and staff members specially engaged for service of limited duration, will appear as Secretary-General's Bulletin ST/SGB/Staff Rules/1/Rev.8. This document will promulgate a number of amendments intended to clarify existing provisions of the Staff Rules or effected for editorial purposes.

3. Staff rule 103.6, language allowance, is amended to clarify the conditions for the grant of a language allowance, and the circumstances under which a formal test may be waived.

4. Staff rule 103.14, salary advances, is amended to enable staff at duty stations where salaries are paid monthly, and not bimonthly, to receive a salary advance.

5. Staff rule 103.16, pensionable remuneration, is amended to align the Rule with the corresponding provisions of the Regulations of the Pension Fund.



6. Staff rule 103.20, education grant, is amended to clarify that short-term assignments do not give rise to an entitlement to the education grant.
7. Staff rule 103.24, definition of dependency, is amended for editorial reasons, and also to clarify that documentary evidence of support is needed if the child does not reside with the parents for any reason.
8. Staff rule 104.3, re-employment, is amended to allow for discretion in counting former service for seniority purposes. Former service should be counted only when the previous functions were relevant to the functions upon re-employment.
9. Staff rule 105.3, home leave, is amended to clarify the minimum period of time spent in the home country to satisfy the purpose of staff regulation 5.3.
10. Staff rule 106.2, sick leave, is amended to extend the deadline for production of a medical certificate from four to ten days, to regulate the reporting procedures for the approval of sick leave during a period of annual leave, to clarify that it is the Medical Director who determines whether a contagious disease occurring in the household is of such a nature as to endanger the health of colleagues, and to give the Medical Director discretion to place a staff member on certified sick leave in his/her own interests or in the interests of the Organization.
11. Staff rule 107.1, official travel of staff members, is amended to align the rule with the terminology used by the International Civil Service Commission.
12. Staff rule 107.18, computation of the travel subsistence allowance, is amended to clarify the applicable rate when more than one rate applies in the course of travel.
13. Staff rule 107.20, assignment grant, is amended to clarify the application of the grant when an initial short-term assignment is extended.
14. Staff rule 107.22, insurance, is amended to reflect the revised insurance limits established in May 1992.
15. Staff rule 107.27, removal costs, is amended to give the Organization discretion to recover a proportion of removal costs where a staff member, for reasons not attributable to the Organization, does not complete the minimum period for which removal costs have been paid.
16. Staff rules 110.5 and 110.6, disciplinary procedures, are amended to provide greater procedural flexibility in the establishment of ad hoc Disciplinary Committees at duty stations or missions where there is no established staff representative body.
17. Staff rule 109.1, definition of termination, is amended to define abandonment of post.

B. 200 Series

18. The text of the correlated amendments to staff rules 200.1 to 212.7, applicable to staff specifically recruited for service with technical cooperation projects, will appear in bulletin ST/SGB/Staff Rules/2/Rev.8, and are reproduced in annex II to the present report.

ANNEX I

Chapter III

SALARIES AND RELATED ALLOWANCES

Rule 103.6

Language allowance

Rule 103.6, as amended, reads as follows:

"(a) A staff member in the General Service, Security or Trades and Crafts category, or in the Field Service category up to and including level 5, shall be paid a language allowance if he or she has demonstrated proficiency in any two official United Nations languages, unless the entitlement is specifically excluded in the appendix B to these rules applicable to the duty station or in the conditions of service for locally-recruited staff at special missions. Staff members whose mother tongue is an official language of the Organization must pass the prescribed examination in another official language, which may be the language in which proficiency is required for their job, in which case the language proficiency examination in the mother tongue may be waived. Staff members whose mother tongue is not an official language must pass the examination in a language other than that in which proficiency is required for their job. A second language allowance shall be paid for proficiency demonstrated by passing the prescribed test in a third official language. No staff member shall be paid a language allowance for more than two official languages."

Rule 103.14

Salary advances

Rule 103.14, as amended, reads as follows:

"(a) Salary advances may be made to staff members under the following circumstances and conditions:

- "(i) Upon departure for extended official travel or for approved leave involving absence from duty for two or more pay days, at duty stations where salaries are paid bimonthly, or a minimum period of seventeen days including one pay-day, at duty stations where salaries are paid monthly, in the amount that would fall due for payment during the anticipated period of absence."

Rule 103.16

Pensionable remuneration

Rule 103.16, as amended, reads as follows:

"(a) The pensionable remuneration of a staff member shall, except as provided in paragraph (c) below, be in accordance with articles 1 (q) and 54 of the Regulations of the United Nations Pension Fund."

Rule 103.20

Education grant

Rule 103.20, as amended, reads as follows:

"...

"(b) A staff member who is regarded as an international recruit under rule 104.7 and whose duty station is outside his or her home country shall be entitled to an education grant in respect of each child in full-time attendance at a school, university or similar educational institution, provided the assignment is for a minimum of six months, or, if initially for a period of less than six months, is extended so that total continuous service is at least six months. If such a staff member is reassigned to a duty station within his or her home country, he or she may receive the education grant for the balance of the school year, not exceeding one full school year after his or her return from expatriate service. The Secretary-General may also authorize payment of the education grant, during mission service of not less than six months, to a staff member regarded under rule 104.6 as a local recruit at his or her normal official duty station ..."

Rule 103.24

Definition of dependency

The second part of rule 103.24, paragraph (b), regarding certification of main continuing support, is renumbered as paragraph (c), and, as amended, reads as follows:

"...

"(c) A staff member claiming a child as dependant must certify that he or she provides main and continuous support. This certificate must be supported by documentary evidence satisfactory to the Secretary-General, if a child:

"(i) Does not reside with the staff member;

/...

"(ii) Is married; or

"(iii) Is regarded as a dependant under the special conditions referred to above."

Present paragraph (c) becomes paragraph (d).

Chapter IV

APPOINTMENT AND PROMOTION

Rule 104.3

Re-employment

Rule 104.3, as amended, reads as follows:

"(a) A former staff member who is re-employed shall be given a new appointment or, if re-employed within twelve months of being separated from service or within any longer period following retirement or disability under the Joint Staff Pension Fund Regulations, he or she may be reinstated in accordance with paragraph (b) below. If the former staff member is reinstated, it shall be so stipulated in his or her letter of appointment. If he or she is given a new appointment, its terms shall be fully applicable without regard to any period of former service, except that such former service may be counted for the purpose of determining seniority in grade. However, where a staff member of the United Nations common system is granted a new appointment within twelve months of separation, any entitlement, benefit or accrual the staff member may have when separated for a second time should be adjusted in such a way that the total payments for the first and second separation do not exceed the amounts which would have been paid had the service been continuous."

Chapter V

ANNUAL AND SPECIAL LEAVE

Rule 105.3

Home leave

Rule 105.3, as amended, reads as follows:

"...

"(1) A staff member travelling on home leave shall be required to spend no less than two calendar weeks, exclusive of travel time, in his or her home country. The Secretary-General may request a staff member, on his or her return from home leave, to furnish satisfactory evidence that this requirement has been fully met."

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Chapter VI

SOCIAL SECURITY

Rule 106.2 (a) (vi)

Sick leave

Rule 106.2, as amended, reads as follows:

"...

"(a) (vi) Except with the approval of the Secretary-General, no staff member may be granted sick leave for a period of more than three consecutive working days without producing a certificate from a duly qualified medical practitioner to the effect that the staff member is unable to perform his or her duties and stating the nature of the illness and the probable duration of the incapacity. Such certificate shall, except in circumstances beyond the control of the staff member, be submitted in a sealed envelope to the Executive or Administrative Officer not later than the tenth working day following the initial absence from duty of the staff member. If the absence lasts longer than ten days, the Executive or Administrative Officer must be notified, preferably in writing, with a preliminary medical report for forwarding to the Medical Service.

"(b) When sickness of more than five consecutive working days occurs within a period of annual leave, including home leave, sick leave may be approved on production of an appropriate medical certificate or other satisfactory evidence. If the sick leave involves an extension of the approved period of annual leave, the Executive or Administrative Officer must be informed before the approved period expires, where practicable with the submission of a medical certificate. The request for approval of sick leave during annual leave must be submitted, together with a medical certificate or other evidence, immediately upon return to duty.

"(c) A staff member shall immediately notify a United Nations medical officer of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case or in the case of any other condition which may affect the health of others the United Nations medical officer shall decide whether the staff member should be excused from attendance at the office. He or she shall receive full salary and other emoluments for the period of authorized absence.

"(d) When in the opinion of the Medical Director a medical condition impairs a staff member's ability to perform his or her functions, the staff member may be directed not to attend the office and advised to seek treatment from a duly qualified medical practitioner."

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Chapter VII

TRAVEL AND REMOVAL EXPENSES

Rule 107.1

Official travel of staff members

The final paragraph of rule 107.1 (b), as amended, reads as follows:

"...

"Should a staff member wish to visit his or her eligible family members residing at any other place, the travel expenses borne by the United Nations shall not exceed the maximum amount that would have been payable on the basis of travel to the place of home leave. The Secretary-General may establish special conditions for payment of these travel expenses in respect of eligible staff members serving at designated duty stations."

Rule 107.18

Computation of the travel subsistence allowance

Rule 107.18, as amended, reads as follows:

"...

"(c) If more than one rate should apply during the course of any one day or if the traveller completes his or her travel on the same day as he or she commenced it, the rate applicable for the area of destination shall be paid for that day, except that for the last leg of a return travel on official business the allowance shall be paid at the rate applicable to the last authorized place where the staff member spent the night."

Rule 107.20

Assignment grant

Paragraph (b) of rule 107.20, as amended, reads as follows:

"...

"(b) The amount of the assignment grant shall be equivalent to:

"(i) Thirty days of subsistence allowance at the daily rate applicable under subparagraph (c) (i) below; and

/...

"(ii) Thirty days of subsistence allowance at half such daily rate in respect of each family member for whom travel expenses have been paid by the United Nations under rule 107.2 (a) (i), (ii) or (iii) and 107.3."

The above-mentioned amounts shall be calculated on the basis of the rate prevailing on the date of arrival at the duty station of the staff member or of the staff member's family member, as appropriate.

Where an assignment of less than one year, in respect of which daily subsistence allowance has been paid for six months or more under rule 103.7 (d) (ii), is extended to one year or more at the same duty station, the provisions of (i) above do not apply and only the lump sum portion under paragraph (d) will be paid.

Rule 107.22

Insurance

Rule 107.22, as amended, reads as follows:

"...

"(c) The cost of insurance of personal effects and household goods in transit (excluding articles of special value for which special rates of premium are charged) under rule 107.27 shall be reimbursed, up to maximum valuation of \$80,000 for a staff member without a spouse or dependent child and \$130,000 for a staff member with a spouse or dependent child residing at the official duty station. The United Nations in no case shall be responsible for loss or damage."

Rule 107.27

Removal costs

Rule 107.27, as amended, reads as follows:

Add the following new paragraph (h):

"(h) In cases where the staff member has not completed the period of service in respect of which removal costs have been paid, for reasons not attributable to the Organization, these costs may be adjusted proportionately and recovery made under conditions established by the Secretary-General".

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Chapter IX

SEPARATION FROM SERVICE

Rule 109.1

Special Advisory Board, definition of termination,
and abolition of posts and reduction of staff

Rule 109.1, as amended, reads as follows:

"...

"(b) Definition of termination

"A termination within the meaning of the Staff Regulations is a separation from service initiated by the Secretary-General, other than retirement at the age of sixty years or more or summary dismissal for serious misconduct.

"Abandonment of post is a separation initiated by the staff member other than by way of resignation and is not considered a termination initiated by the Secretary-General within the meaning of staff regulation 9.1 (a)."

Chapter X

DISCIPLINARY MEASURES AND PROCEDURES

Rule 110.5

Joint Disciplinary Committees

Rule 110.5, as amended, reads as follows:

"...

"(b) The Secretary-General may also establish ad hoc Joint Disciplinary Committees at these or other duty stations for a particular case or series of cases, or may substitute an alternate procedure that conforms to the requirements of due process at duty stations or missions where there is no established staff representative body."

Rule 110.6

Rule 110.6, as amended, reads as follows:

"...

"(g) Ad hoc Joint Disciplinary Committees shall be composed as follows:

- "(i) At duty stations where there is an established staff representative body or bodies, ad hoc Joint Disciplinary Committees shall be composed, by the Secretary-General or an official designated by him or her, in a manner similar to that of standing Joint Disciplinary Committees, except that staff-appointed members may be substituted for staff-elected members. If no appointments are made within a period set by the Secretary-General, the designated official may make the appointments after consultation with the staff representative body or bodies.
- "(ii) At duty stations or missions where there is no established staff representative body, the head of office or mission, after reporting the matter to the Secretary-General, shall constitute a panel from among staff present at the duty station to investigate the allegations and to recommend what, if any, disciplinary measure should be imposed. The panel members shall be selected with a view to ensuring that the rights of all parties are respected."

Chapter XII

GENERAL PROVISIONS

Rule 112.8

Effective date and authentic text of rules

Except as otherwise indicated and subject always to the provisions of regulations 12.1, 12.2, 12.4 and 12.5, rules 100.1 to 112.8 as published in the present revised edition (ST/SGB/Staff Rules/Rev.8) shall be effective 1 January 1995. The English and French texts of these rules are equally authoritative.

ANNEX II

Chapter III

SALARIES AND RELATED ALLOWANCES

Rule 203.7

Dependency allowances

In rule 203.7, paragraph (b) (ii), in fine, as amended, reads as follows:

"...

"An individual claiming a child as dependant must certify that he or she provides main and continuing support. This certificate must be supported by documentary evidence satisfactory to the Secretary-General if a child:

"a. Does not reside with the individual;

"b. Is married; or

"c. Is regarded as a dependant under the special conditions referred to above."

Rule 203.15

Pensionable remuneration

Rule 203.15, as amended, reads as follows:

"(a) The pensionable remuneration of project personnel shall be in accordance with articles 1 (q) and 54 of the Regulations of the United Nations Joint Staff Pension Fund."

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Chapter VI

SOCIAL SECURITY

Rule 206.3

Sick leave

Rule 206.3, as amended, reads as follows:

"...

- "(v) Project personnel shall immediately notify a United Nations medical officer of any case of contagious disease occurring in his or her household or of any quarantine order affecting the household. In such a case or in the case of any other condition which may affect the health of others or which, in the opinion of the United Nations medical officer, impairs the individual's ability to fulfil his or her functions, the individual may be directed not to attend the office. He or she shall receive full salary and other emoluments for the period of authorized absence."

Chapter IX

SEPARATION FROM SERVICE

Rule 209.2

Termination

Rule 209.2, as amended, reads as follows:

"(b) Abandonment of post is a separation initiated by the individual other than by way of resignation and is not considered a termination initiated by the Secretary-General within the meaning of staff regulation 9.1 (a) and rule 209.2 (a)."

Present paragraph (b) becomes (c) and present paragraph (c) becomes (d).

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Chapter XII

GENERAL PROVISIONS

Rule 212.7

Effective date and authentic text of rules

Except as otherwise indicated and subject always to the provisions of regulations 12.1, 12.2, 12.3, 12.4, and 12.5, rules 200.1 to 212.7 as published in the present revised edition (ST/SGB/Staff Rules/2/Rev.8) shall be effective 1 January 1995 and shall supersede all previous rules applicable to project personnel. The English and French texts of these rules are equally authoritative.
